

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DERRICK DESHAWN LYLES,

Petitioner,

v.

KEVIN HIXSON,

Respondent.

Case No. 22-cv-05623-WHO (PR)

ORDER OF DISMISSAL


Petitioner Derrick DeShawn Lyles has not filed a response to my prior order as required. (Dkt. No. 12.) Accordingly, this federal habeas action is DISMISSED (without prejudice) for failure to comply with my prior order and for failing to prosecute, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, Lyles may move to reopen. Any such motion must (i) have the words MOTION TO REOPEN written on the first page; and (ii) provide a proper response to the prior order. A proper response informs me which of the following two choices he selects: (1) opt to dismiss the petition and return to state court to exhaust the unexhausted claim(s); or (2) opt to move to stay the petition, exhaust the unexhausted claim(s) in state court, and then move to amend the stayed petition to add the exhausted claim(s).

The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: March 15, 2023


WILLIAM H. ORRICK
United States District Judge